

YEP TALK



How Environment Friendly in Our Building Construction Rules?

Mamnoon M. Chowdhury

On behalf of The Daily Star's Yep Talk, let me have the privilege of welcoming you to this roundtable conference. Our topic today is 'How environment-friendly is Our Building Construction Rules?' May I now request Archt. Khadem Ali to initiate the discussions by giving his opinion on the subject.



Khadem Ali: Let us first try to find out the purpose of having the Building Construction Rules (BCR) at the first place. The rule was formulated under the Building Construction Act (BCA) of 1951. At that time, it was stated that the BCA was formulated to 'prevent the haphazard development within the city'. This is the only reason that was cited and there seems to be hardly any positive overtone in that statement.

When the Dacca Improvement Trust was formed, the purpose was stated to be 'to control the growth and development activities' of the city. I find some positive attitude reflected here in the sense that it recognises the on-going development activities. The BCA, as it stands now after the 1997 amendment, has gradually taken an anti-progressive character.

As for the BCR, which has been last amended in 1996, it can be said that it totally unconcerned about the environmental issues. It does not have anything to say, good or bad, about the environment. The vision and pragmatism that is expected from an agency that virtually controls the future of the city, is not evident in the BCR. I would say that ever since its inception, this agency, instead of being a planning and policy making organ of government, has slowly but gradually turned itself into a profit-making organisation - a real estate agency with government patronization.

I would like to conclude now by saying that those who are at the helm of these agencies, are hardly aware of the consequences of the decisions they take. Therefore, the BCR is useless as far as preserving or upgrading the environmental quality of Dhaka city is concerned.



Saif Ul Haque: I would like to thank The Daily Star's Yep Talk and the YEP Forum for asking me to come here. I feel that we need to define what we mean by the term environment-

On the eve of the World Environment Day, YEP Talk has taken up the issue of ensuring the quality of our built and natural environments. If every act of construction is an intervention in the nature then. How we ensure that the balance is not lost during the process? Why is our Building Construction Rules not preventing the concrete aggression, which is devouring all the open spaces and greenery? How relevant are these laws in these times? We discussed these issues at the YEP Talk Roundtable conference on 'How Environment friendly in our Building Construction Rules?'

The meeting was participated by Archt. Khadem Ali of Architekton (Pvt) Ltd., Archt. Saif Ul Haque of Saiful. Huq Sthapati, Archt. Ehsan Khan of Vitti Sthapati Brindo Ltd. Archt. N R Khan of Tanya Karim N R Khan & Associates.

Mr. Abu Raihan M. Khalid of Bangladesh Environmental Lawyers Association (BELA), Mr. A H Monjurul Kabir Kollol of YEP Forum.

The meeting was moderated by Archt. Mamnoon Morshed Chowdhury of YEP Forum.

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friendly so far as BCR is concerned. To me the most important factor is that the entire activity of construction is an act of human intervention into the natural setting. The first and foremost point of concern here is how to maintain the environmental balance during this process. The BCR should be a tool to achieve this balance.

Rules, regulations or control- whatever we may call them, these are all an act of planning. We need to have a large scale plan, which will be different for different regions of the country and applicable for both rural and urban areas. When we draw this plan, we must consider whether it maintains that particular balance, that is, whether it is 'environment-friendly'.

For example, the ratio of open space to build up area should be addressed here. We cannot do without buildings, but what we can do is to have a control on its extent. We have covered up almost the entire city. Consequently, we have had to cut down a large number of trees, making our landscapes barren and which, in effect, has worsened the climatic conditions in urban areas. In the process of covering up the lands, we have blocked the natural drainage systems that used to be very effective. All of these acts are killing the city, which means that the BCR is not at all environment-friendly. I do think the BCR% neither has any relationship with nor does it refer to the realities of urban Dhaka.



Ehsan Khan: As an architect engaged in designing building and its surrounding environment, I have found the existing BCR to be a major obstacle in creating an environment conscious architecture. It is ironic when we note that BCR is supposed to be a tool for the preservation of environmental quality.

Any thought on urban environment must attempt to create a balance between its two components- man-made and natural environment. This includes the natural attributes of a particular geographical location and its climatic characters, together with the socio-cultural factors and lifestyles of that place.

As architects, when we start to work on a design project, for example housing or a commercial complex, we are guided by the BCR about what we can or cannot do. It should be noted here that nothing related to environmental quality and standards can be found in it. Rather, the BCR acts as a document that refers only to the physical act of con-



struction like distance of the building from the boundary line or the allowable height of the building.

The limitations of the rules are becoming more obvious presently, when the private sector development activities have reached a peak. For example, it is not clear why one has to leave a particular four feet space on the sides of buildings. Why couldn't it be three, five, or six feet? It is also not clear why there's no reference to the open area ratio within a plot.

It is widely known that real estate developers are driven by the profit factor only and they set some strong limitations on the architect's design. In most cases, an architect has to create a sound design by working within the obstacles. The BCR, instead of backing up the architect, goes to serve the developers motives. In the end, the overall impact of these isolated acts is devastating.

I feel that the structure plan that has been formulated for Dhaka city needs to go further to develop a detail area plan, which will determine and control the allowable covered space, green areas, density, land use etc. RAJUK needs to have the guidelines from that detail area plan when it formulates something like the BCR. The BCR should serve the purpose of the society, not the interests of a few individuals.

The fact that RAJUK in 1996, has abolished the law that required 33% of the plot area to be open to sky space, is only one indication that environmental concerns are not in its agenda.

As Mr. Khadem Ali has rightly pointed out, RAJUK has stopped working as a planning authority, one that will guide and regulate the future of the city. I would strongly suggest that a planning cell be set up within RAJUK, which will dictate the activities of the organisation.

N R Khan: There is this

game called 'exquisite corpse'. It is game that is usually played by the surrealist painters. What they do is that they take a piece of paper, on which the first person draws a part of a drawing, then passes on to the next person and so on. In the end, the drawing that is generated is almost a palimpsest of ideas and, on top of that, what you get is truly surreal. Unfortunately, we cannot let our cities go through such mockery at this point of time. There is book written by Michael Sorkin on this issue...about how we have transformed our cities into 'exquisite corpses'.

I would like to address the issue that Archt. Ali mentioned at the very onset about how the BCR came



into being. RAJUK looked at the scenario of 'exquisite corpses', it tried to control it and at the end, made a very lame attempt to fix it. And that is all it did. Unfortunately, this rule has become our guideline for designing the rest of the city.

It is not surprising that the BCR is inadequate, because it did not attempt to become anything else. What we should understand is that development is not an isolated scenario, rather, it is a part of a larger picture. This idea seems to be the missing link between the BCR book and reality. The larger picture has to be addressed in terms of the environment. And environment is not mere square feet. It

has got to do with pollution, it has got to do with congestion, and it has to deal with issues like services. At the end, it has got to do with the quality of life.

When you address these issues, you are looking at a plan, which cannot be drawn- rather, it has to be envisioned and thought out. And according to these visions, we prepare a master plan. In this master plan, we draw things like Zones, Phases, Land Uses, Services etc. In order to guide what will happen within these smaller slots, we produce something called the BCR.

The BCR does not mean anything if it forgets what it is supposed to do. If I am asked how environment-friendly the BCR is, I would say it is not a question of 'friendliness', it is rather, a question of whether it is serving any good purpose at all, forget environment. Is it helping the architects to make better buildings? As Ehsan was saying, does it encourage good architecture or good built environment? Those who are engaged in architectural practice will probably agree that this rulebook is liable for destroying all things good about architecture. What ever little we know about the environment and our consciousness, can be very easily stricken out with the help of this book by our clientele. This has actually become a weapon for our clients.

Now, if we look at the clientele, we will find that they too have changed over the period of time. Our clients are the government and real estate developers, since private clients are diminishing from the scene. The BCR has been serving the clients in way that suits them best, and that is why we have never heard of any objection from their side. The underlying reasons are economic. The authorities like the rules because the real estate people like it, and that eventually helps them. The real estate people like it because it allows them to

sell more square feet.

I would disagree with the point mentioned regarding RAJUK turning itself into a developer. If it is a developer, it is a useless one at that too. Look at Singapore, for example, where the government controls the largest part of housing delivery system. It is okay for RAJUK to take the role of a good developer, because then it would be able to control the land price and land use characters. Hence, there will be proper development, proper density and, at the end, a quality of life.

Probably, it is easy for RAJUK to sell the lands off, and not to take any responsibility for their future fate. It seems the easy way out.

MMC: We seem to have general consensus at this point, that the BCR fails miserably if it is tested in terms of environmental performance. Now, let us try to look at solutions. I would like to ask Archt. Khadem Ali about the National Building Code, with which he was actively associated. Sir, what is in the NBC recommendation that is not in the BCR?

KA: The role of NBC is different from that of the BCR. The NBC aims at creating technically safe buildings. Nothing more than that. It aims that there shouldn't be any accidental risks while living in a building and there should not be any health hazards. Also, it aims to protect the clients from getting poor service from the professionals. This, in short, is the essence of the NBC.

MMC: The third chapter of the NBC mentions something about the FAR- that is the ratio of open spaces to the built or covered spaces. Now, FAR certainly deals with the environmental quality of buildings....

KA: True, and in that sense, the NBC is progressive than the BCR. But, interestingly, the BCR does not

refer to the NBC in this respect. The BCR stipulates the distance between property line and the building line, but does not clarify what it stands to achieve by that. With FAR, you have got the option of gaining a certain square feet of built area within a certain size of plot, spread over number of floors as per your choice, without having to sacrifice the environmental aspects. If you shrink your covered area, you will be allowed to go up. Or if you prefer to remain low, you can spread out your construction. FAR is the tool that planners use to control density within a certain area. Then it is left to the architects to determine the nature and suitability of the building itself.

The people who authored the BCR, did not know what they were doing. Hence, they have come up with a set of senseless set back rules. In the process, we have lost the gifts of air and sunlight around our buildings, we have lost the open spaces that would come automatically, the parking spaces, the greenery, the play areas of children....

MMC: Another wild contradiction that is present in the BCR is that it does not allow buildings to be more than six storey high in areas developed by RAJUK, like Baridhara, Gulshan, Uttara. But there is no such restriction in other areas, as if environmental concerns are not applicable there....

Now, let us turn to solutions. If we were to make things right, if we were to start from scratch- where do we begin? I would like to invite Archt. Saif Ul Haque to speak on this.

SH: Well, as I said earlier at the beginning, we definitely need to have a plan- a physical plan for the whole country that says how we are going to distribute our various functions. Then we need to detail out the individual areas, for example, Dhaka and other major cities.

I would like to differ with Archt. Ali on the point that the people who made the BCR were not aware of what they were doing. On the contrary, I think they knew very well what they were up to. All the members of the committee were qualified people...secretaries, architects, engineers, planners...there were no lay men there. These people were motivated by one single thing. They wanted to make profit. It is as simple as that. These were the people, who owned plots in Gulshan, Dhanmondi and Baridhara and they just tried to formulate laws that benefited them most. Were the public ever consulted at any stage? If the minimum accountability is not there, how can we expect environment-friendly laws from them?

KA: I was indicating at the lack of competence, because they could have been more exploitative by introducing a FAR that ensures more benefits than what the set back rules are providing presently. They could state that in Gulshan, Baridhara areas, the FAR would be something in the range of 4, which, as you say, would maximise their profit. But they didn't do that. I guess

that is because they did not really know what the FAR was and how it worked.

SH: I would like to comment on something that Archt N R Khan was saying a few minutes ago. I agree that architects have been severely restricted by clients, but we cannot shrug off the responsibility by blaming the clients. We cannot escape from the roles that architects are supposed to play in the society. Let me ask how many of us have protested the BCR when the latest version came into being in 1996? Did we try to enlighten the clients and the people about its negative impact that we, by being architects, could well see in advance? As far as my knowledge goes, we didn't do anything.

I think it is only the YEP Forum in the pages of Yep Talk in The Daily Star that has been very critically questioning the merits of the BCR. Architects need to come out of their cool studios and serve as advocates of public interest. We need to point out the facts to our MPs and the bureaucrats and tell them that this is the way things should be run.

One other thing that we have not mentioned here is the master plan that has been developed recently under the banner of DMAIDUP. We do have some useful information there. We need to analyse them, give our comments and suggest changes if needed.

MMC: At this point, we would like to invite M R Khalid, who is representing BELA. M R Khalid, you have just heard about the immediate and cognisance of offence provisions in the BCA. Is there any way through the Court of law, we can move to stop the environment degradation that is being done under the provisions of BCR?



Raihan Khalid: The same provision is present in the laws that relate to preservation of environment, where only the DG of Department of environment can go to civil court and as a citizen you and I cannot.

However, in these cases we can file a writ in the higher courts under Article 102 of constitution stating that our basic rights as citizens have been violated to our basic rights and in that sense, higher courts can be approached.

KA: Mr. Khalid, if the society and environment as a whole is suffering, can I as a individual file a writ in the High Court?

RK: Yes, you can. At BELA, we have moved against the FAP. More recently we have taken up issues like the filling up of Gulshan lake. Our point was that RAJUK has violated the master plan area as plots. The court has passed an interim order to stop all constructions there. So, you see in these cases BELA was not itself an aggrieved party. But we moved the cases as public interest litigation.

To be continued